

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 410
LICENSING STANDARDS FOR YOUTH EMERGENCY SHELTERS

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AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10] and the Children's Product Safety Act [430 ILCS 125].

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 999, effective January 1, 1990 for a maximum of 150 days; adopted at 14 Ill. Reg. 9407, effective May 31, 1990; amended at 21 Ill. Reg. 4596, effective April 1, 1997; amended at 24 Ill. Reg., effective November 1, 2000.

Section 410.10 Purpose

- a) The purpose of this Part is to prescribe the standards for licensure as a Youth Emergency Shelter and to describe how to apply for an Emergency Shelter license.
- b) The licensing standards set forth in this part are applicable to Youth Emergency Shelters as defined in the Child Care Act of 1969 (The Act) as amended (Ill. Rev. Stat. 1987, ch. 23, par. 2211 et seq.). An individual or organization that operates an emergency shelter only for youth ages 18 and older is exempt from licensing under the Act.

Section 410.20 Definitions

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility. In addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this Part.

"Background check" means:

- a criminal history via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a LEADS check of persons ages 13 through 17; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been indicated as a perpetrator of child abuse or neglect; and
- a check of the Statewide Child Sex Offender Registry.

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"Case management services" means services that include the assessment and identification of client needs, the identification of available resources to meet client needs, the development of an individualized service plan, the coordination, monitoring and evaluation of services for each client, and advocacy for a client to assure that services and resources are accessible and provided.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association, or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. (Section 2.05 of the Child Care Act of 1969)

"Conditional employee" means an individual (including any substitute or assistant) who has applied for and been conditionally selected to perform child care functions or administrative, professional, or support functions that allow access to children, as defined in this Section, and who has commenced such duties while awaiting the results of the background check required by this Part.

"Department" means the Illinois Department of Children and Family Services. (Section 2.02 of the Child Care Act of 1969)

"Emergency shelter" means a licensed youth emergency shelter which provides shelter care services, including overnight shelter, to youth from 14 to 18 years of age and their children and which may provide overnight shelter to persons up to age 21. An emergency shelter which provides overnight shelter to persons under 18 years of age may not shelter persons over age 21 and their children.

"Employee" means any staff person employed by a child care facility, and includes any substitute or assistant. This definition includes administrative, professional and other support staff who have access to children.

"Homeless youth" means persons found within the State who are under the age of 21, are not in a safe and stable living situation and cannot be reunited with their families.

"Initial background check" means the individual has cleared a check of the Child Abuse and Neglect Tracking System and the Statewide Child Sex Offender Registry.

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"License" means a document issued by the Department which authorizes child care facilities to operate in accordance with applicable standards and the provisions of The Act.

"License applicant", for purposes of background checks, means the operator or persons with direct responsibility for daily operation of the facility to be licensed. (Section 4.4 of the Child Care Act of 1969)

"Licensee" means those individuals, agencies or organizations who hold a license or permit issued by the Department.

"Licensing representative" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Permit" means a one-time only document issued by the Department for a six-month period to allow the individual(s), agency or organization to become eligible for a license.

"Persons subject to background checks" means:

- the operator(s) of the child care facility; and
- all current and conditional employees of the child care facility; and
- any person who is used to replace or supplement staff; and
- any person who has access to children, as defined in Section 385.20, Definitions, of 89 Ill. Adm. Code 385, Background Checks.

If the child care facility operates in a family home, the license applicant(s) and all members of the household age 13 and over are subject to background checks, as appropriate, even if these members of the household are not usually present in the home during the hours the child care facility is in operation.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being permitted to be alone with children in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Resident" and "youth" means any person who is a resident in the shelter care services component of an emergency shelter for homeless youth.

"Shelter care services" means the provision of or referral for services as required by these rules, and the provision of overnight sleeping facilities, laundry facilities, bathroom facilities (sink, toilet, shower), food and the adult supervision of such services when they are in operation and available to the recipients of these services.

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"Youth Emergency Shelter" means a child care facility licensed by the Department to provide shelter care services, including overnight shelter, and referral for other shelter care services, to homeless youth from 14 to 18 years of age and their children in accordance with the requirements of The Act, as amended, and the requirements of 89 Ill. Adm. Code 410, Licensing Standards for Youth Emergency Shelters.

(Source: Amended at 21 Ill. Reg. 4596, effective April 1, 1997)

Section 410.30 Effective Date of Standards (Repealed)

(Source: Repealed at 21 Ill. Reg. 4596, effective April 1, 1997)

Section 410.40 Application for License

- a) The individual applicant or governing body of the supervising organization or agency shall file the application for license as an emergency shelter on forms provided by the Department.
- b) For the application to be considered complete, the following items shall be attached to the application:
 - 1) staffing plan, including job descriptions and qualifications of staff;
 - 2) program plan;
 - 3) annual operating budget showing anticipated expenses and income; and
 - 4) a list of persons subject to the background check requirements of 89 Ill. Adm. Code 385, Background Checks and each person's complete, signed authorization to conduct the background check.
- c) A new application shall be filed:
 - 1) when an application for a license has been withdrawn, and the agency seeks to reapply; or
 - 2) when there is a change in:
 - A) the name of the licensee;
 - B) the address of the emergency shelter;
 - C) the supervising agency; or

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- 3) not sooner than 12 months after the Department has revoked or refused to renew a license, and a new license is sought; or
 - 4) when the facility has been operating for at least one year and requests an increase in license capacity to more than 16 residents.
- d) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant.

(Source: Amended at 21 Ill. Reg. 4596, effective April 1, 1997)

Section 410.50 Application for Renewal of License

- a) The Department shall mail the application forms for renewal of a license to the supervising individual or organization responsible for the emergency shelter six months before the expiration of the emergency shelter license.
- b) To be considered a timely and sufficient application, the supervising individual or organization shall submit the completed application to the Department at least three months before the date of the expiration of the emergency shelter license.
- c) Upon receipt of the application for license renewal, the Department shall conduct a license study which will include but is not limited to on-site visits, a review of records, interviews, and safety clearances in order to determine whether the emergency shelter continues to meet licensing standards. The written licensing study shall be reviewed and signed by the licensing supervisor and the licensing representative performing the study.
- d) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision prior to the expiration date of the license, the existing license shall continue in full force and effect for up to thirty (30) days until the final Department decision has been made. The Department may further extend the period in which such decision must be made in individual cases for up to 30 days, if good cause is shown. "Good cause" includes but is not limited to staff shortages.

Section 410.60 Provisions Pertaining to the License

- a) An emergency shelter which provides shelter for youth from the age of 14 to 18 shall be licensed under this Part. A youth emergency shelter may shelter persons up to the age of 21. A youth emergency shelter shall not shelter any person over the age of 21 or under the age of 14 except that the children of homeless youth may be sheltered with their parents.

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- b) An emergency shelter license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee.
- c) The number of persons admitted to the emergency shelter shall not exceed the license capacity.
- d) The age limits specified on the license shall be observed.
- e) Children under 18 years of age whose parents, guardians, custodians, or other person(s) responsible for the care of the child serve as staff members maintaining a residence in the emergency shelter shall be included in determining the license capacity if they live in the same quarters as youth accepted for care. A background check, as required by 89 Ill. Adm. Code 385, Background Checks shall be conducted on all such children age 13 and over.
- f) The following changes in licensing status shall occur only upon prior approval of the Department:
 - 1) the age or sex of youth served;
 - 2) the licensed capacity; and
 - 3) the area within the emergency shelter used for residents.
- g) The license shall not be transferred or transmitted to another individual or other legal entity.
- h) The license shall not be valid for a name or an address different than the name and address shown on the license.
- i) The license shall be displayed on the premises.
- j) There shall be no fee or charge for the license.

(Source: Amended at 21 Ill. Reg. 4596, effective April 1, 1997)

Section 410.70 Provisions Pertaining to Permits

- a) A permit shall not be issued until:
 - 1) the application for license has been completed and signed by the applicant and submitted to the Department;
 - 2) written clearances issued by the State or local authorities concerning compliance with the fire, health, sanitation and safety requirements as specified in state rules and municipal codes are received. Such State

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rules include when applicable Fire Prevention and Safety (41 Ill. Adm. Code 100); Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 180); Storage, Transportation, Sale and Use of Liquefied Petroleum Gas (41 Ill. Adm. Code 200); Boiler and Pressure Vessel Safety Rules and Regulations (41 Ill. Adm. Code 120); Food Service Sanitation Code (77 Ill. Adm. Code 750); Private Sewage Disposal Code (77 Ill. Adm. Code 905); Control of Communicable Diseases Code (77 Ill. Adm. Code 690); Illinois Plumbing Code (77 Ill. Adm. Code 890); Structural Pest Control Code (77 Ill. Adm. Code 830). If well water is used, a copy of the inspection report and certification of compliance with local or state health department regulations (Illinois Water Well Construction Code (77 Ill. Adm. Code 920), Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)) must be on file;

- 3) a person in charge of the daily operation (administrator or homeless youth supervisor) of the emergency shelter has been selected who has passed the background check requirements of 89 Ill. Adm. Code 385, Background Checks and is prepared to begin work at the facility;
 - 4) furnishings, equipment and space sufficient for the number of youth to be served have been acquired;
 - 5) child care staff sufficient for the number of youth to be served have been selected and are prepared to begin work at the facility;
 - 6) background inquiries required by [Section 410.130](#) have been completed;
 - 7) a plan for the provision of food, clothing, educational and religious opportunities and health care of youth has been developed;
 - 8) the facility has established procedures and forms to maintain required records including records on the youth served;
 - 9) a written plan on how the requirements for licensure will be met within the permit period has been developed;
 - 10) a projected annual budget for the emergency shelter, approved by the supervising individual or the policy-making body of the supervising organization, has been developed; and
 - 11) an on-site visit to the facility by the licensing representative has been completed.
- b) A permit shall not be issued retroactively.

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- c) The permit shall not be transferred or transmitted to another individual or other legal entity.
- d) The permit shall not be valid for a name or an address different from the name and address shown on the issued permit.
- e) The permit shall not be renewable.
- f) The permit shall be displayed on the premises at all times.
- g) A license shall be issued any time within the six-month period covered by the permit provided the facility achieves and maintains compliance with the Department's licensing standards.
- h) There will be no fee or charge for issuing the permit.

(Source: Amended at 21 Ill. Reg. 4596, effective April 1, 1997)

Section 410.80 Supervision of the Emergency Shelter

- a) The supervising individual or organization shall designate a qualified administrator to provide ongoing program administration, personnel administration and monitoring of the emergency shelter's operation. Administrative staff of a licensed child welfare agency may serve as the administrator of the youth emergency shelter. The administrator shall maintain fiscal and administrative records for the shelter. The administrator shall conduct on-site visits and on-site conferences with personnel employed at the shelter at least twice a month. Visits at the shelter shall include contact with residents to determine the residents' view of the program.
- b) The administrator shall:
 - 1) be at least 25 years of age;
 - 2) have at least a Bachelor's degree; and
 - 3) have at least two years of successful full-time experience in a residential or shelter care program or in related youth service programs with at least one year in program administration.
- c) If the emergency shelter does not have a separate homeless youth supervisor, the administrator also shall meet the requirements for a homeless youth supervisor if required by [Section 410.100](#) of this Part and shall visit the emergency shelter at least weekly.

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- d) The supervising individual or organization shall be responsible for providing and maintaining qualified staff and volunteers as specified in this Part.
- e) The supervising individual or organization shall assure that all persons connected in any way with the emergency shelter are of reputable character as determined by background checks, character references, and a personal interview.
- f) When notified by the Department that an employee, volunteer or other person in frequent contact with residents of the facility is the subject of a formal investigation for child abuse or neglect pursuant to the Abused and Neglected Child Reporting Act [325 ILCS 5], the licensee shall take reasonable action necessary to assure that the employee or other person is restricted during the pendency of the investigation from contact with the residents. Such reasonable action includes, but is not limited to barring or removing the person from the facility, assuring that another adult is always present when the subject of the investigation is in contact with residents.

Section 410.90 Finances

- a) The supervising individual or organization shall maintain a degree of financial solvency that insures care of homeless youth as required by this Part. An individual or agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978, 11 U.S.C. 101(26).)
- b) The emergency shelter shall maintain fiscal records which shall include:
 - 1) current and projected operating budget for the facility for which a license is sought;
 - 2) financial records that are audited annually and certified by public accountants not affiliated with the shelter.
- c) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for review by designated Department licensing staff.

Section 410.100 Homeless Youth Staff

- a) A homeless youth supervisor shall be required for any shelter which is serving more than ten homeless youth and shall:

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- 1) be at least 25 years of age;
 - 2) have obtained a high school diploma or GED certificate;
 - 3) have three years of full-time experience in a residential or shelter care program or in related youth service programs;
 - 4) demonstrate skill in working with and managing youth of the type served in the program; and
 - 5) demonstrate ability to work cooperatively with administrative staff and persons external to the program.
- b) Homeless youth caretakers are those persons whose primary responsibility is the daily supervision of the residents. Persons employed in other capacities may function as homeless youth caretakers provided they are qualified as homeless youth caretakers and other duties do not interfere with supervision of the youth. Homeless youth caretakers shall:
- 1) be at least 18 years of age, if there is an on-site supervisor. If there is no on-site supervisor, child care staff must be at least 21 years of age;
 - 2) have obtained a high school diploma or GED certificate;
 - 3) be in good physical and mental health per [Section 410.150](#);
 - 4) have demonstrated through employment or volunteer work:
 - A) skills in the field of child care or the capacity to develop such skills;
 - B) ability to work within the program structure and to accept supervision; and
 - C) ability to work constructively with parents, other agencies and the community.
- c) Administrators may approve a foster parent licensed by the Department of Children and Family Services to serve as a homeless youth caretaker for up to six homeless youth in the licensed foster home provided space requirements are met and no other population of foster children is being served in the home.

(Source: Amended at 21 Ill. 4596 Reg., effective April 1, 1997)

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Section 410.110 Professional Staff Requirements

Professional staff which are full-time, part-time or consulting (volunteers, employed or contractual) such as social workers, psychologists, psychiatrists, physicians, dentists, teachers, nutritionists, nurses, speech, occupational, recreational or physical therapists, etc., shall meet the respective licensing and registration requirements of the State of Illinois.

Section 410.120 Support Staff

Supportive services such as maintenance, housekeeping and food preparation if provided may be provided by support staff or contractual personnel. Supportive services may be provided by homeless youth staff only if these duties do not interfere with supervision of the youth in the emergency shelter. Youth may be required to do simple household duties under the supervision of staff.

Section 410.130 Volunteers

All volunteers shall meet the requirements of the functions they perform, shall be trained for the tasks they perform and shall be under the supervision of an appropriate staff member.

Section 410.140 Background Checks

- a) The supervising organization shall ensure that all prospective and current employees and volunteers used to replace or supplement staff submit to fingerprinting (when required), authorize a background check and otherwise meet the requirements of 89 Ill. Adm. Code 385, Background Checks.
- b) As a condition of issuance or renewal of a license by the Department, the supervising organization that sponsors the emergency shelter shall require all prospective and current employees, volunteers and subcontractor employees who have direct contact with shelter residents to furnish information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with the standards set forth in the Department's rule 89 Ill. Adm. Code 385.
- c) An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Amended at 21 Ill. 4596 Reg., effective April 1, 1997)

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Section 410.150 Health Requirements for Staff and Volunteers

- a) All homeless youth caretakers and support staff shall have an initial medical examination which provides evidence that they are free of communicable diseases, including active tuberculosis, or physical or mental conditions identified by the examining physician which affect their ability to perform assigned duties.
- b) Homeless youth caretakers and support staff shall have a tuberculin skin test administered by the Mantoux method in accordance with the rules of the Department of Public Health, 77 Ill. Adm. Code 690 (Control of Communicable Diseases Code).
- c) Homeless youth caretakers and support staff shall be reexamined at least every two years. Reports of the examination shall be maintained by the supervising individual or organization.
- d) Should the homeless youth staff or support staff be diagnosed as having a communicable disease for which isolation is required by the Department of Public Health (IDPH) or local health department, the emergency shelter shall abide by the requirements of the public health agency until the infectious period has elapsed. Further, a homeless youth staff member or substitute who does not reside in the emergency shelter diagnosed as having a communicable disease for which isolation is required shall be barred from the shelter until the presence of such person is authorized by the IDPH or the local health department.
- e) During the hours of operation of the emergency shelter, there shall be at least one person on the premises certified in first-aid, the Heimlich maneuver and in cardiopulmonary resuscitation by the American Red Cross or the American Heart Association. Homeless youth staff shall have on file current certificates attesting to the training.
- f) Homeless youth staff or support staff shall not smoke in the presence of youth or consume alcohol in the facility. Homeless youth staff who appear to be under the influence of alcohol or other drugs shall not have responsibility for the care of youth.

Section 410.160 Staff Training

- a) There shall be an organized in-service training program to equip homeless youth staff to meet the individual and group care needs of the residents. In-service training shall consist of at least 15 clock hours of training in the two year license period for homeless youth Supervisors and caretakers, whether paid or volunteer. Documentation that each employee of the shelter has completed the training program shall be included in the employee's personnel record.

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- b) The in-service training program shall include content designed to familiarize staff with licensing rules, infection control measures, safety, identification of drug and alcohol abuse, symptoms of communicable disease, and training in the customs of different cultures.

Section 410.170 Live-in Staff

- a) Facilities which utilize live-in staff shall provide staff with their own bedroom so located as to assure that they are readily available and easily accessible to the residents in the shelter.
- b) Person(s) counted in the staff-to-child ratio must be present, awake and free from responsibilities other than those directly related to the care and supervision of the residents when they are present. These responsibilities may include food preparation and light housekeeping to maintain the area(s) wherein child care is provided.
 - 1) The awake night staff requirement for foster parenting arrangements may be waived by the Director of the Department or his designee when the facility has demonstrated that the well-being of the youth can be protected in accordance with the requirements of this Part.
 - 2) A request for a waiver of the awake night staff requirement shall be in writing and the Director's decision shall be in writing.

Section 410.180 Staff Coverage

- a) When the shelter care services of the program are open there shall be at least two homeless youth caretakers on duty at all times that there are more than six residents in the shelter. At all times that there are seven or more residents in the shelter, the facility shall maintain a minimum staff/child ratio of one staff person per eight children.
- b) At least one homeless youth caretaker shall be on-site awake and alert throughout the night while residents are sleeping to assure the protection and supervision of the residents in the emergency shelter unless a waiver of the awake night staff requirement has been granted per [Section 410.170](#).
- c) During the absence of regular homeless youth staff for time off, vacation and sick leave, substitute homeless youth staff must be provided. These substitutes shall meet the minimum requirements for homeless youth staff in [Section 410.100](#).

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- d) Residents in facilities other than foster parenting arrangements shall be under the direct supervision of staff of the same sex while in their sleeping or bathroom areas.

Section 410.190 Physical Facilities

- a) Buildings, or parts of buildings, acquired or converted for use as an emergency shelter shall be safe, clean, well-ventilated, properly lighted and heated.
- b) If well water is used, a copy of the inspection report and compliance with local or State health department regulations shall be on file.
- c) Fire prevention and health standards complying with State laws and municipal codes shall be maintained.
- d) The emergency shelter shall have written emergency plans in the event of fire or natural disaster. The plans shall be posted in an area accessible to residents and shall be reviewed with residents upon their first admission.
- e) The youth emergency shelter may not use or have on the premises, on or after July 1, 2000, any unsafe children's product as described in the Children's Product Safety Act and 89 Ill. Adm. Code 386 (Children's Product Safety).
- f) Dangerous household supplies and dangerous tools shall be kept in safe, locked places. Unlawful controlled substances, firearms, ammunition, and other weapons shall not be permitted in an emergency shelter.
- g) There shall be provisions for separating a resident who is suspected of having a contagious disease from other residents pending medical determination.
- h) The emergency shelter shall have an operating telephone on the premises.
- i) Each resident shall be provided with a separate bed except that parents may share a double bed with their child over the age of two. Each bed shall have a mattress and comfortable bedding. The bedding shall be changed for each new resident assigned to a bed. If a resident will be staying in the shelter for more than seven days, linens shall be changed at least weekly.
- j) Residents shall not share a sleeping area or a sleeping room with residents of the opposite sex except parents may share rooms with their children.
- k) Sleeping areas or sleeping rooms shall be furnished according to the ages and special needs of the residents. There shall be a minimum of 35 square feet of floor space per resident, excluding the closet and wardrobe area.
- l) Basements and attics may be used for sleeping for youth who are mobile, physically and mentally capable of self preservation, and able to understand and follow directions with minimal assistance in an emergency.

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- 1) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window which provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
 - 2) No basement or attic shall be used for sleeping without the written approval of fire, health, and safety officials.
- m) The sleeping areas shall be exposed to an operable outside window or shall have some alternate permanent means of ventilation.
 - n) There shall be a bathroom unit including a lavatory and toilet for every ten youth. Bathroom use shall be separate for males and females except for parents with their children.
 - o) Shower and laundry facilities for the residents shall be provided in one of two ways:
 - 1) through written agreements approved by the Department with services such as drop-in centers that provide shower and/or laundry facilities for the residents; or
 - 2) through the provision of one shower facility for every ten residents and laundry services on site at the emergency shelter.
 - p) Shower use shall be separate for males and females except for parents and their children.
 - q) Kitchen and dining facilities shall be maintained in a clean and sanitary condition in accordance with the requirements of state (Food Service Sanitation; 77 Ill. Adm. Code 750) and local public health authorities.
 - r) Space and equipment shall be provided for indoor and outdoor recreation. Recreational resources in nearby communities may be used to fulfill this requirement.
 - s) There shall be office facilities and equipment for the conduct of the shelter's professional services and business affairs. The office facilities do not need to be at the same location as the shelter facility but they must be located within reasonable daytime access to the residents.

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- t) There shall be space designated in the facility for private interviews or conferences with residents.
- u) Healthy household pets owned by live-in staff which present no danger to residents are permitted on the premises unless prohibited by local health regulations. A licensed veterinarian shall certify that the animals are free of diseases that could endanger the resident's health and that dogs and cats have been inoculated for rabies.
- v) Licensed foster homes sheltering homeless youth shall be regulated by the rules contained in 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, and shall provide the case management, notification and referral services required by this Part either directly or through the administration over the licensed foster home.

(Source: Amended at 24 Ill. Reg., effective November 1, 2000)

Section 410.200 Facility Capacity

The initial capacity of an emergency shelter shall be limited to no more than 16 beds. After one year of operation the supervising individual or organization may file a new application to request that the capacity be expanded up to 30 beds. In the application the supervising individual or organization shall demonstrate that:

- a) there is an identified need for additional beds;
- b) space, equipment and staff are available in the proposed emergency shelter to meet all requirements of this Part; and
- c) the supervising individual or organization has successfully operated an emergency shelter with a lower capacity.

Section 410.210 Notification and Consent of Parent or Legal Guardian

- a) The emergency shelter program shall, for all residents under the age of 18 except for emancipated minors, within 24 hours of the youth's arrival at the shelter, notify the youth's parent or legal guardian of the youth's presence in the shelter program and attempt to obtain written or oral permission from the parent or legal guardian for the continued placement of the youth in the shelter if the parent or guardian is unable or unwilling to effect the youth's immediate return home.
- b) Notification to a parent or legal guardian may be delayed beyond 24 hours when compelling circumstances indicate that the parent or legal guardian should not be notified. Examples of compelling circumstances include, but are not limited to, real and significant danger of physical injury or sexual abuse from a parent or legal guardian.

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- c) For youth under the age of 18 verification of age and consent for continued placement shall be obtained in writing or verbally from the parent or legal guardian before the provision of a fifth night of shelter within a thirty-day period. Oral permission from a parent or guardian witnessed by two persons age 21 or over and documented in writing shall be considered as proof of consent for continuing placement for the purposes of these licensing requirements.
- d) Emergency shelter staff shall make a "good faith effort" (telephoning the phone number provided by the youth and checking with directory assistance) to contact the parent or legal guardian. Such efforts shall be documented in writing by the shelter staff.
- e) In all cases where the parent or legal guardian refuses to grant permission to the youth to stay in the emergency shelter or the parent cannot be reached after a good faith effort to reach the parents or legal guardian and the youth refuses to return to the care and custody of the parent or legal guardian or to the care and custody of an individual or organization chosen by the parents or legal guardian, the emergency shelter staff shall ask the local community-based youth service agency as defined in 89 Ill. Adm. Code 334 (Administration and Funding of Community-Based Services to Youth) to file a petition in juvenile court alleging that the youth is a minor requiring authoritative intervention (MRAI) to initiate a hearing on the matter within 21 days of the first day of acceptance of the youth into the emergency shelter.
- f) During the waiting period before the MRAI petition can be heard by the court the youth may remain in the emergency shelter of his or her own volition with the consent of the shelter administrator.
- g) With the court's permission and the consent of the shelter administrator the youth may remain in the emergency shelter during the time it takes for the court to complete the proceedings pursuant to any petition filed on behalf of the minor.
- h) When the court grants the youth partial or complete emancipation that gives the youth the right to place himself of his own volition in the emergency shelter, the youth may remain as long as the emancipation order granting this right remains in effect and the shelter administration consents.

Section 410.220 Notification of Crisis Intervention Agency

- a) Emergency shelter staff shall initiate contact with the crisis intervention agency within 48 hours to make arrangements for an interview with the youth service provider.

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- b) Emergency shelter staff shall document their efforts to make homeless youth available to meet with the youth service provider serving the area for voluntary acceptance or rejection of crisis intervention services.

Section 410.230 Reporting to the Child Abuse/Neglect Hotline

Emergency shelter staff shall report immediately all youth under age 18 by telephone to the Statewide Central Register of the Department of Children and Family Services if there is reasonable cause to suspect the child has been abused and neglected. A parent who refuses to accept care and custody of their child under age 18 and who refuses to make an alternative safe plan for the care of the child shall be reported for neglect.

Section 410.240 Admission Criteria

- a) The homeless youth must enter the emergency shelter program of his/her own volition.
- b) No youth may be admitted to the shelter who, in the assessment of staff with supervisory approval, poses a serious threat of injury to themselves or to other residents in the shelter (e.g. intoxication, under the influence of drugs, or aggressive behavior). Any youth with serious health problems shall be immediately referred for local emergency health services.
- c) Any youth who is suspected of having a contagious disease should be separated from other youth until a medical determination has been received that the disease is not contagious or is no longer contagious.

Section 410.250 Shelter Care Services

- a) Shelter care services of the emergency shelter shall be available to the residents of the shelter each day of the year. Overnight shelter shall be available for a minimum of twelve consecutive hours of service between the hours of 6 p.m. in the evening and 9 a.m. in the morning. Shelter care services are defined in [Section 410.20](#), Definitions.
- b) In the event that a resident is seriously ill or otherwise unable to take care of himself away from the emergency shelter during the hours that it is not normally open for services, the emergency shelter shall have procedures in place to provide for adequate care and supervision of the resident until appropriate care can be found.

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Section 410.260 Length of Stay

The length of stay of a resident in an emergency shelter for homeless youth may range from one night up to 21 nights depending upon the plan for the youth. After 21 nights of residency within a 90 day period, the facility shall evaluate the youth's need for continued shelter care and may extend the youth's stay for additional periods of 30 nights each up to a maximum of 120 nights. Continued stays beyond the first 21 nights shall be conditioned upon the administrator's approval of the continued stay and the youth's cooperation with the service plan established for the youth by the shelter staff or the case management agency per [Section 410.300](#), Case Management Services.

Section 410.270 Discipline and Control of Residents

- a) The use of discipline and behavior management techniques in the emergency shelter shall be in accordance with the Department Rules 89 III. Adm. Code 384, Discipline and Behavior Management in Child Care Facilities.
- b) Youth emergency shelters shall not institute an organized self-governance program, use confinement techniques to control children, administer psychotropic medications, or operate secure residential care facilities.

Section 410.280 Food and Nutrition

- a) It shall be the responsibility of the emergency shelter to provide for the food and nutritional needs of its residents in one of two ways:
 - 1) through written agreements approved by the Department with other organizations which provide evening and breakfast meals for the residents; or
 - 2) through the provision of kitchen and dining facilities at the temporary shelter and the food necessary for the preparation of an evening and breakfast meal.
- b) If youth who have special medical, cultural, or religious needs are accepted at the emergency shelter, the meals shall be appropriate for the special needs of the youth accepted.
- c) If the emergency shelter is providing the evening and breakfast meal at the shelter facility, shelter staff may prepare the evening and breakfast meal for the residents or may allow the residents to prepare their own meals under the supervision of emergency shelter staff.

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- d) Youth suspected of suffering from dehydration or malnutrition shall be referred for a medical assessment and treatment, as appropriate.

Section 410.290 Transportation of Youth

- a) An emergency shelter providing transportation services shall comply with the provisions of: Sections 6-101 and 6-102 of the Illinois Driver Licensing Law (Ill. Rev. Stat. 1987, ch. 95 2, pars. 6-101 and 6-102, The Illinois Safety Responsibility Law (Ill. Rev. Stat. 1987, ch. 95 2, par. 7-100 et seq.), The Illinois Rules of the Road (Ill. Rev. Stat. 1987, ch. 95 2, par. 11-100 et seq.) and the Illinois Vehicle Equipment Law (Ill. Rev. Stat. 1987, ch. 95 2 par. 12-100 et seq.).
- b) The driver of a vehicle transporting children on behalf of an emergency shelter shall be at least 21 years of age.
- c) The driver and attendants shall meet the requirements of [Sections 410.140](#) and [410.150](#).
- d) The driver shall not leave the vehicle unattended at any time while transporting youth.
- e) The driver shall see that each youth boards and leaves the vehicle from the curb side of the street.
- f) The driver shall see that order is maintained in the vehicle for safety of the youth in transit.
- g) The number of youth transported in a vehicle shall not exceed the manufacturers rated passenger capacity.
- h) Seat belts shall be worn at all times the vehicle is in motion.
- i) A vehicle used by the shelter to transport children shall be maintained in a mechanically safe condition at all times.
- j) Any vehicle designed for the transportation of more than ten persons (including the driver) shall be equipped with a first aid kit when used for transporting children. The first aid kit shall consist of Band-Aids, sterile gauze pads, 40-inch triangular bandage with two safety pins, wire or wood splint, adhesive tape, scissors and instructions for use of the contents of the kit.

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Section 410.300 Case Management Services

It shall be the responsibility of the emergency shelter to provide for case management services for the residents in one of two ways:

- a) through referrals approved by the Department to the case management services of other organizations who have agreed in writing to provide these services to the residents of the emergency shelter who want them; or
- b) through the direct provision of case management services to residents who want them by the staff of the emergency shelter.

Section 410.310 Medical and Health Services

- a) It shall be the responsibility of the parent or legal guardian of residents under age 18 to provide for medical and dental examinations of the youth and the subsequent treatment of diagnosed medical and dental problems. Medical care may be provided through a family physician or through community-based facilities which have entered into written agreements to provide medical care for youth staying at the emergency shelter.
- b) Prescription drugs will be self-administered or a parent may administer prescription medications to his or her child. Homeless youth staff shall assist youth with self-administration of prescription drugs. Assisting with self-administered medications is limited to reminding the resident to take his/her medications, reading instructions for utilization, uncapping medication containers, and providing the proper liquid and utensils with which to take medications. Prescription medications shall be kept in a locked, safe place within the emergency shelter.
- c) Clean linens, a towel, washcloth, toothbrush and comb shall be provided to each incoming resident.

Section 410.320 Education

Each youth shall have the opportunity and shall be encouraged to complete high school or vocational training in accordance with his or her aptitude through referral to community resources that can provide these services.

Section 410.330 Religion

Each youth shall be given information on available religious institutions in the area.

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Section 410.340 Required Written Consents for Minors

- a) It shall be the responsibility of the emergency shelter to help residents under the age of 18 obtain written consent from legally responsible persons (parent, court, legal guardian), as needed. Actions which require parental/guardian consent include, but are not limited to:
 - 1) placement in the emergency shelter program for more than five days in a 30 day period;
 - 2) health care and treatment, including medical, surgical, psychiatric and dental;
 - 3) religious instruction and/or church attendance in a different faith from their parent.
- b) Written consents shall be dated and limited to a specific period of time.
- c) In the event that written permission is not obtainable for placement in the emergency shelter for more than five days in a 30 day period, oral permission from a parent or guardian witnessed by two persons age 21 or over and documented in writing shall be considered as proof of "consent for continuing placement" for the purposes of these licensing requirements.

Section 410.350 Records and Reports

- a) The supervising individual or organization shall maintain current records on each child receiving shelter care services, on agency personnel (including volunteers), and on each facility operating under its supervision.
- b) If the youth remains at the shelter more than five days in a 30 day period records for each youth shall include a brief admission history, guardian/parental permission for care, name, birth date, proof of age, name, address, and phone number of parent or legal guardian, religion, educational level, and case recording reflective of the ongoing shelter care of the youth.
- c) Records shall be maintained on all employees and, in addition, for each volunteer who has responsibility for the care and supervision of youth. The records shall document compliance with [Section 410.140](#), Background Checks.
- d) The supervising individual or organization shall maintain a separate file of the results of the background check required by [Section 410.140](#) and 89 Ill. Adm. Code 385, Background Checks.

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- e) The supervising individual or organization shall maintain records on staff and volunteers and shall submit reports to the Department on forms prescribed by the Department. The following personnel reports are required:
 - 1) A personnel report on each new employee (including owner, operator, or director) shall be filed with the Department. A copy of this report shall be kept at the agency.
 - 2) All staff changes shall be reported to the Department within two business days after beginning employment. Such reports shall be accompanied by complete, signed authorizations for background checks as required by 89 Ill. Adm. Code 385, Background Checks.
 - 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.
- f) Financial records of operations shall be maintained as part of the permanent records of the emergency shelter and shall include a copy of the annual audit.
- g) In addition to the records maintained by the supervising individual or organization, the emergency shelter shall maintain current records on its premises. These records shall include a daily log which includes entries on each resident's stay in the emergency shelter and records any unusual incidents or serious occurrences and the use of any behavior management techniques as described in 89 Ill. Adm. Code 384, Discipline and Behavior Management in Child Care Facilities.
- h) The emergency shelter shall report to the resident's parent or legal guardian and the Department any unusual incidents and serious occurrences involving residents under age 18. These incidents and occurrences shall be reported in writing, or if made verbally, confirmed in writing within two working days of the occurrence. Unusual incidents or occurrences include serious accident or injury requiring extensive medical care or hospitalization, death, arrest, alleged abuse or neglect, major fire or other emergency situations, or any serious incident which results in legal action by or against the emergency shelter, which affects any resident, personnel or conduct of the temporary shelter.
- i) Records shall be kept in safe, locked places.

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- j) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization shall have access to the records and reports. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Amended at 21 Ill. Reg. 4596, effective April 1, 1997)

Section 410.360 Records Retention

Personnel, general and financial records required of the supervising individual or organization shall be maintained for five years. Children's records shall be maintained for at least five years after the child's majority.

Section 410.370 Termination of Shelter Care Services

The emergency shelter shall have a written policy outlining the reasons for which residents may be terminated from shelter care services and shall advise residents both in writing and verbally of the policy.

Section 410.380 Severability of This Part

If any court of competent jurisdiction finds that any Section, clause, phrase or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

POLICY GUIDE 2020.02

**LIMITATIONS ON USE OF RECREATIONAL AND MEDICAL CANNABIS
IN CHILD WELFARE PRACTICE**

DATE: January 3, 2020
TO: DCFS and Private Agency Licensing Staff
FROM: Marc D. Smith, Acting Director
EFFECTIVE: Immediately

I. PURPOSE

The purpose of this Policy Guide is to provide DCFS and Purchase of Service (POS) Agency staff with information regarding limitations that apply to the lawful use (possession, consumption, storage) of recreational and medical cannabis as it pertains to child welfare practice.

The Department will propose amendments to rules and procedures affected by these statutes in the near future.

II. PRIMARY USERS

The primary users of this Policy Guide are Department and POS Agency licensing staff.

Definitions:

“Cannabis” has the definition as assigned in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Cannabis-infused product” means a beverage, food, oil, ointment, tincture, topical formulation, or another product containing cannabis that is not intended to be smoked as defined in the Cannabis Regulation and Tax Act. [410 ILCS 705]

“Child Care Facility” means a child care facility as defined in the Child Care Act. [225 ILCS 10]

“Medical cannabis” means cannabis products that are acquired for “medical use” as that term is defined in the Compassionate Use of Medical Cannabis Program Act. [410 ILCS 130]



III. SUMMARY OF ILLINOIS LAW

The Illinois Cannabis Regulation and Tax Act and the Compassionate Use of Medical Cannabis Program Act regulate the possession, consumption and storage of recreational and medical cannabis. The Cannabis Regulation and Tax Act was amended, effective January 1, 2020, to permit the recreational use of cannabis in Illinois.

These Acts also contain limitations on the possession, consumption and storage of recreational and medical cannabis in or near licensed and unlicensed child care facilities, in vehicles and in the presence of persons under 21 years of age.

These Acts allow for an individual to use any type of cannabis and continue to be eligible for initial or renewal of licensure for any type of child care facility; this includes unlicensed relative foster homes and employees of any licensed and unlicensed child care facility.

These Acts provide numerous limitations on the use and possession of cannabis (which includes cannabis-infused products) as it relates to child care. For example, the Acts DO NOT PERMIT:

- Undertaking any task under the influence of cannabis when doing so would constitute negligence, professional malpractice, or professional misconduct;
- Possessing cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in a private residence that is used at any time to provide licensed or unlicensed child care (day care and foster care) or other similar social service care on the premises;
- Using cannabis in any public place;
- Using cannabis knowingly in close physical proximity to anyone under 21 years of age who is not a registered medical cannabis patient under the Compassionate Use of Medical Cannabis Pilot Program Act;
- Smoking cannabis in any place where smoking is prohibited under the Smoke Free Illinois Act;
- Facilitating the use of cannabis by any person who is not allowed to use cannabis under either the Cannabis Regulation and Tax Act or the Compassionate Use of Medical Cannabis Program Act;
- Using cannabis in any motor vehicle; or
- Possessing (driver or passenger) cannabis in a motor vehicle except in a sealed, odor-proof, child-resistant cannabis container.

Any violation of these laws may subject the violator to civil or criminal penalties.

IV. QUESTIONS

Questions regarding this Policy Guide may be directed to the Office of Child and Family Policy at 217-524-1983 or via Outlook at DCFS.Policy. Non-Outlook users may e-mail questions to DCFS.Policy@illinois.gov.

V. FILING INSTRUCTIONS

File this Policy Guide immediately following Rules:

Rules 401, Licensing Standards for Child Welfare Agencies;
Rules 402, Licensing Standards for Foster Family Homes;
Rules 403, Licensing Standards for Group Homes;
Rules 404, Licensing Standards for Child Care Institutions and Maternity Centers;
Rules 406, Licensing Standards for Day Care Homes;
Rules 407, Licensing Standards for Day Care Centers;
Rules 408, Licensing Standards for Group Day Care Homes;
Rules 409, Licensing Standards for Youth Transitional Living Programs;
Rules 410, Licensing Standards for Youth Emergency Shelters; and
Rules 411, Licensing Standards for Secure Child Care Facilities.

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